

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

TUESDAY

DECEMBER 18, 2012

+ + + + +

The Regular Public Meeting convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 1:00 p.m., Lloyd Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson
NICOLE SORG, Vice-Chairperson
JEFFREY HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

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SHERRY GLAZER, ESQ.
MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

The transcript constitutes the minutes from the Public Meeting held on December 18, 2012.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

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1 P-R-O-C-E-E-D-I-N-G-S

2 (12:08 p.m.)

3 CHAIRMAN JORDAN: We will open now
4 in Public Meeting in order to handle Case Number
5 18469. Mr. Moy, would you make the
6 announcement?

7 MR. MOY: Yes, sir. Before the
8 Board and its Public Meeting session would be
9 a Board motion to reopen the Appeal Number of
10 18469 of Susan L. Lynch, to permit a Board member
11 to participate.

12 For the record, the original appeal
13 application is, or was, pursuant to 11 DCMR 3100
14 and 3101, from a decision by the Zoning
15 Administrator to issue building permits,
16 RW1200113, RW1207072, B1207074 and B1207074,
17 approving the construction of two one-family
18 detached dwellings in the R-1-B District at
19 premises 2334 King Street, N.W., property
20 located in Square 1394 Lot 24, and 2338 King
21 Street, N.W., property located in Square 1394,
22 Lot 23.

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4 CHAIRMAN JORDAN: Thank you. And
5 at that meeting we voted two to one to dismiss
6 it based upon the belief that the party knew
7 or should have known and that that vote may not
8 have been sufficient.

13 VICE CHAIR SORG: Ah, yes. Thank
14 you, Mr. Chairman. I have reviewed the record
15 as well as the transcripts and videos of the
16 two hearings that were held, or of the hearing
17 and the earlier decision meeting that were held
18 in regard to this case.

19 CHAIRMAN JORDAN: And so regarding
20 this, it would be my motion to grant the motion
21 to dismiss based upon the discussion had before
22 that the appellant knew or should have known

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1 that the zoning approval was issued on May 30th.

2 That he had actual knowledge June
3 1st based on upon the Zoning Administrator's
4 affidavit, and at the very latest, June 6th,
5 however, waited beyond that time to file.

6 That their basis of believing that
7 they could not get the plans review in order
8 to file was based upon their belief that they
9 couldn't get the plans beforehand, and that was
10 represented to us during the hearing that the
11 permit processor allegedly, during a hearing
12 it was reported to us, had told us that they
13 had tried to get it but couldn't.

14 But when the affidavit was produced,
15 the affidavit actually said, well, we basically
16 thought that was the process, but they never
17 said they actually tried to get the process.

18 So based upon that that's why I make
19 my motion to dismiss this appeal. So that would
20 be my motion.

21 VICE CHAIR SORG: I would, because
22 other sitting Board members have shared their

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1 perspectives on this motion, I will quickly
2 share mine based on my reading of the documents
3 and previous hearings, but won't belabor the
4 point.

5 In this matter I'm in agreement with
6 the Chair's motions. Particularly compelling
7 for me, with regard to my thoughts on this, were
8 the two affidavits of the primary consultant
9 and of the Zoning Administrator that were
10 submitted subsequent to the hearing.

11 And also the discussion of the
12 motion to dismiss during the hearing on October
13 16th, and the clarifications that emerged for
14 me regarding what was known when, specifically
15 that counsel for the appellant knew of the
16 Administrator's decision as well as the
17 construction that was concurrent, and that
18 counsel and the appellant had been, the term
19 was "bird-dogging," I think, but had been
20 invested in and monitoring this construction
21 since February.

22 That being said, I do echo and

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1 appreciated Commissioner May's comments with
2 regard to the level of transparency and
3 necessity for ease of gaining information and
4 public understanding of policies of agencies
5 of the government. I think he mentioned that
6 he had had those experiences, and I'm sure that
7 we all have.

8 And so while I do agree with the
9 motion to dismiss, I would also echo Mr. May's
10 exigencies with regard to trying to increase
11 transparency and have a broader and deeper
12 public understanding of the policies and
13 procedures of DCRA and other District agencies.

14 So those are my comments, thank you.

15 CHAIRMAN JORDAN: Anyone else?

16 Mr. May?

17 MR. MAY: Mr. Chairman, I'm not
18 going to reiterate the points I made when we
19 deliberated on this on November 27th.

20 Since Ms. Sorg has had the
21 opportunity to review what was said then, I would
22 only say that at this point I still believe that

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1 we should hear this case in full, because I do
2 believe that the appeal was filed timely and
3 that we should be erring on the side of
4 opportunity for the general public to have
5 access to the system and make their case and
6 so on.

7 And I do believe that everybody had
8 the best intent all the way around and that
9 everyone was trying earnestly both on the
10 applicant's side and DCRA. And I know DCRA
11 takes these matters very seriously and tries
12 to do their job to the best of their ability,
13 it's just that even with that sometimes it's
14 not as easy a system as we would like it to be.

15 So anyway I stand by my original
16 position and ready to proceed to a vote.

17 CHAIRMAN JORDAN: So my motion was
18 to dismiss, and Ms. Sorg, I take it as a second
19 your concurrence to the motion.

20 Or do you want, Jeffrey --

21 MR. HINKLE: I'll second the
22 motion.

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1 CHAIRMAN JORDAN: Motion made and
2 seconded to dismiss the appeal. All those in
3 favor signify by saying aye.

4 VICE CHAIR SORG: Aye.

5 MR. HINKLE: Aye.

6 CHAIRMAN JORDAN: Those opposed
7 nay.

8 MR. MAY: Nay.

9 CHAIRMAN JORDAN: The motion
10 carries. Mr. Moy?

11 MR. MOY: Yes, sir. Staff would
12 record the vote as three to one, this on the
13 motion of Chairman Jordan, seconded the motion,
14 Mr. Jeffrey Hinkle. Ms. Sorg, Vice Chairperson
15 Sorg also in support of the motion, Peter May
16 opposed, and we have a seat vacant.

17 Your motion carries, Mr. Chairman.

18 CHAIRMAN JORDAN: Thank you.

19 Mr. Moy, we're going to, well, we're
20 going to need a summary, we just haven't ordered
21 in that matter. We want to call 18488.

22 MR. MOY: Yes, sir. The

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1 Application Number 18488 of Brendan and Anjulen
2 Reilly is on the Expedited Review Calendar.

3 The caption reads, pursuant to 11
4 DCMR 3104.1 for a special exception for an
5 addition to an existing detached dwelling under
6 section 223, not meeting the rear yard
7 requirements under section 404, in the R-1-B
8 District at premises 4764 Reservoir Road, N.W.,
9 property located in Square 1371 Lot 34.

10 As the Board is well aware,
11 Expedited Review Calendar items are zoning
12 applications where the applicant waives the
13 right to a public hearing, and applications are
14 subject to either Board approval or removal from
15 the calendar for rescheduling to a future date.

16 And the requirements are pursuant to sections
17 3118.3, 3118.6, and 3118.7 in the Zoning
18 Regulations.

19 So with that the Board must act on
20 the merits of the case on the Calendar, pursuant
21 to section 3118 requirements, which consists
22 of Application Number 18488 for a special

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1 exception of relief.

2 CHAIRMAN JORDAN: And Mr. Moy, all
3 the preconditions of the precedent has been
4 filed, everything we need in this matter? I
5 know I don't think we had an ANC report.

6 MR. MOY: That's correct, sir.
7 Everything is in the record with the exception
8 of an ANC letter.

9 CHAIRMAN JORDAN: And I noticed
10 that there is no request by anyone to pull this
11 from the expedited docket.

12 MR. MOY: That's correct, sir.

13 CHAIRMAN JORDAN: Okay. Does the
14 Board have any issues or concern with 18488 for
15 the relief request, the special exception relief
16 requested?

17 Seeing none, I would move that we
18 grant the requested relief.

19 VICE CHAIR SORG: Second.

20 CHAIRMAN JORDAN: Motion made and
21 seconded. All those in favor signify by saying
22 aye.

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1 || (Chorus of ayes)

2 CHAIRMAN JORDAN: Those opposed
3 nay. The motion carries. Mr. Moy?

10 Motion carries, Mr. Chairman.

11 CHAIRMAN JORDAN: Thank you, then
12 we have a summary order in that matter?

13 MR. MOY: Yes, sir.

14 CHAIRMAN JORDAN: Then we will
15 stand in recess until 1 o'clock. Well, wait
16 a minute. Let me back up a second.

17 (Off microphone discussion)

18 CHAIRMAN JORDAN: We're just going
19 to do these cases, thank you. No, we're going
20 to continue through them. Thank you, Peter.

21 I don't know, is Mr. Turnbull coming
22 over or Mr. Miller, do we know?

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1 MR. MOY: I believe Mr. Miller is
2 coming. Mr. Turnbull, I would assume so because
3 I have not received an absentee ballot and he's
4 pretty --

5 CHAIRMAN JORDAN: Yes, so we'll be
6 in recess until 1 o'clock. Thanks.

7 (Whereupon, the foregoing matter
8 went off the record at 12:19 p.m. and went back
9 on the record at 1:07 p.m.)

10 CHAIRMAN JORDAN: Let's go back
11 into our Public Meeting session. We've already
12 handled on today's docket, 18488 and 18469.
13 So Mr. Moy, will you call 18431?

14 MR. MOY: Yes, sir. The next
15 application for Board decision, Board action,
16 is Application Number 18431. This is of The
17 Field School, pursuant to 11 DCMR 3104.1, for
18 a special exception to increase the private
19 school enrollment cap from 320 to 400 students
20 and to increase the faculty and staff cap from
21 74 to 110 persons under section 206, in the R-1-A
22 District, at premises 2301 Foxhall Road, N.W.

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1 Property located in Square 1341 Lots 856, 861,
2 878, and 879.

3 As the Board will recall, on
4 November 7th, 2012, the Board completed public
5 testimony, closed the record, and scheduled this
6 decision on December 18th, 2012.

7 The Board requested that the
8 applicant file supplemental information which
9 had a deadline of Friday, December 7th. The
10 Board also allowed responses to that submittal
11 from the applicant which had a deadline of
12 December 12th, 2012.

13 Mr. Chairman, in your case folders
14 are two filings. The applicant's filing of
15 final conditions is identified as Exhibit 40,
16 dated December 7th, 2012. The second filing
17 there is a DDOT response to the applicant's
18 submittal, dated December 11th, 2012, and that
19 filing's identified as Exhibit 41.

20 With that the Board is to act on the
21 merits of the request for a special exception
22 under section 206. And that completes the staff

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1 briefing, Mr. Chairman.

2 CHAIRMAN JORDAN: Thank you, Mr.
3 Moy. We previously had the hearing on this
4 matter and this matter's been before us, and
5 I think the Board then asked the parties, as
6 Mr. Moy had requested, to submit a revised set
7 of conditions for this property and for the
8 relief.

9 In turn, I think the Board received
10 new conditions which appears to be 38 conditions
11 for the property. That has been submitted and,
12 I believe, agreed to among the parties to the
13 application.

14 This is a matter which I think that
15 in my opinion that we can grant relief under
16 section 206 for the private school use and under
17 206 the relief requested for the parking.

18 I think that the applicant has
19 shown, that is, met the conditions under section
20 202 that the use, The Field School will operate
21 with minimum impact on the surrounding
22 neighborhood and has done so since 2002.

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1 It's not likely that they're going
2 to have a high increase of existing noise and
3 traffic congestion, but even so there is a
4 mitigation plan and, therefore, shouldn't be
5 objectionable to the neighborhood.

6 The school is putting in place or
7 has offered a extensiveness of a TDM program
8 to include the use of private bus, shuttle,
9 carpooling, and in staggering schedules for the
10 middle and high schools, and minimum student
11 parking.

12 There's going to be ample parking
13 space, but not less than what's required and
14 should be able to accommodate the students and
15 the teachers. I think presently they have 117
16 parking spaces and the zoning regs require two
17 spaces for every three teachers plus one space
18 for every student.

19 So I believe that this application
20 is ripe for us to grant the relief in conjunction
21 with the 38 conditions which has been agreed
22 upon by the parties. So that would be my thought

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1 and my motion.

2 So anyone else, any other Board
3 member wants to weigh in on that? I made the
4 motion but we can get it started that way and
5 then we can discuss it.

6 VICE CHAIR SORG: I would second the
7 motion.

8 CHAIRMAN JORDAN: Motion made and
9 seconded. Now we're open for discussion if we
10 could there. Anyone want to weigh in on this?

11 MR. MILLER: Mr. Chairman?

12 CHAIRMAN JORDAN: Yes.

13 MR. MILLER: I just wanted to say
14 that I appreciate the effort that all the
15 parties, including the applicant and the ANC
16 and others, have made in response to your request
17 that they work together to try to come up with
18 a set of mutually agreeable conditions, and I'm
19 prepared to vote in favor of this as well.

20 CHAIRMAN JORDAN: And I was remiss
21 in not to say that. I mean they really had to
22 really work to get these conditions on this

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1 property. With that any other readiness
2 discussion? All those in favor of the motion
3 signify by saying aye.

4 (Chorus of ayes)

5 CHAIRMAN JORDAN: Those opposed
6 nay. The motion carries. Mr. Moy?

7 MR. MOY: The staff would record the
8 vote as four to zero, this on the motion of
9 Chairman Jordan to approve the request for
10 special exception relief including the
11 applicant's proffered 38 conditions. Second
12 the motion, Vice Chairperson Sorg. Also in
13 support of the motion, Mr. Robert Miller and
14 Mr. Jeffrey Hinkle. We do have one Board seat
15 that's vacant. The motion carries, Mr.
16 Chairman.

17 CHAIRMAN JORDAN: And did we have
18 an opposition party in this matter? Yes, we
19 had opposition but it wasn't a party status
20 opposition, was it? No, I don't believe it was.

21 Let's have a summary order. We do
22 have a favorable ANC support. Yes, let's have

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1 a summary order for that.

2 MR. MOY: Yes, yes. That can be
3 done.

4 CHAIRMAN JORDAN: Okay, we're
5 ready. What about Mr. Turnbull? Is he --

6 MR. MOY: It turns out, Mr.
7 Chairman, moments ago Mr. Turnbull submitted
8 an absentee ballot.

9 (Off the record comments)

10 MR. MOY: The next application for
11 Board action is Application Number 18463. This
12 is of CAS, C-A-S, Riegler Real Estate
13 Development, pursuant to 11 DCMR 3103.2. This
14 is for a variance relief from the lot area
15 requirements, under section 401, to allow the
16 conversion of and addition to an existing
17 building into an apartment house in the R-4
18 District at premises 901 D Street, N.W.
19 Property located in Square 938 Lot 809.

20 This Board will recall the applicant
21 amended the application to withdraw the original
22 requested variance relief from rear yard and

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1 court requirements. On November 11th, 2012,
2 the Board completed public testimony, closed
3 the record and scheduled its decision on
4 December 18th.

5 The Board requested that the
6 applicant file a list of final conditions, and
7 that supplemental filing, Mr. Chairman, was
8 submitted to the office on Monday, December the
9 17th. And that document is identified in your
10 case folders as Exhibit 40 -- no, not Exhibit
11 -- hang on. Again, that filing from the
12 applicant is identified as Exhibit 35 in your
13 case folders. There's also a filing, Mr.
14 Chairman, from ANC-6A and that document is
15 identified as Exhibit 34.

16 With that the Board is to act on the
17 merits of the variance relief from the lot area
18 requirements. And that completes the staff's
19 briefing, Mr. Chairman.

20 (Off microphone discussion)

21 CHAIRMAN JORDAN: Evidently I
22 missed a filing here. I saw all of them but

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1 we got something late last night.

2 (Off microphone discussion)

3 CHAIRMAN JORDAN: All right, so
4 let's go and begin 18463. The reason why we're
5 having some side talk is that there's been a
6 lot of late filings in this matter and the Board
7 is trying to find out who's on first, which came
8 in last and what position this particular
9 application now sits in. We know that we've
10 received some revised plans, and revised plans
11 indicate that there's been a reduction of the
12 two units.

13 And so that relief appears to be the
14 same amount of units that the ANC was requesting.

15 That there had been an agreement for that
16 evidently, or that the applicant has now come
17 down in their request for relief to 23 units.

18 Overall, a total of 25 as opposed to 25 and
19 27

20 || And yes, well, we gave them the time.

21 We gave them time to file it so they filed it
22 allegedly timely, so we will then be sure to

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1 accept it in the record and give leave and accept
2 that, because I'm not exactly certain now which
3 came in, what came in timely or not.

4 But it's something that the Board
5 had asked for and we're glad that it appears
6 that there's been some compromising regarding
7 the relief requested. And I believe the letter,
8 we received the letter dated December 17th,
9 which would have been yesterday, from the ANC
10 which indicates that there was a compromise.
11 I guess that's what it says. Is that what you're
12 reading?

13 VICE CHAIR SORG: Mr. Chairman, my
14 reading of the letter that we received and our
15 Exhibit Number 34 from the ANC, basically
16 reaffirms their position of a maximum of 25 units
17 among the whole development, which would
18 indicate that 23 units would be the subject of
19 this application as opposed to, as you said,
20 25 units being the subject of this application,
21 27 total. That was followed by the --

22 CHAIRMAN JORDAN: It says,

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1 "accepted it as negotiated."

2 VICE CHAIR SORG: And indicates
3 that they accept the negotiation subsequent to
4 the hearing. And that was followed by our
5 Exhibit Number 35, which gives the same
6 indication and requests the application to be
7 amended to include 23 units as opposed to 25,
8 and as well to supplement the plans on the
9 relevance sheets.

10 (Off the record comments)

11 CHAIRMAN JORDAN: Are these new
12 conditions?

13 MR. MOY: Mr. Chairman, while
14 there's a pause I was just reminded that there
15 is a filing in the record from an individual,
16 from a W. Mark Scott, dated December 12th, which
17 was not, the record had been closed so it was
18 not a document that the Board had requested.
19 So I have that on hold unless I'm told otherwise.

20 CHAIRMAN JORDAN: So it's not in the
21 record?

22 MR. MOY: That's correct.

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1 CHAIRMAN JORDAN: All right.

2 (Off the record comments)

3 CHAIRMAN JORDAN: Okay, then I
4 offer that based upon the record the applicant
5 has satisfied the burden of proof for the items
6 that are necessary to establish the relief for,
7 it's a variance request. I'm glad to see that
8 there has been a work with the ANC and compromise
9 in regards to find that.

10 I don't know if we, I think we better
11 spot for the record the reason why the variance
12 can be in place. I think, you know, the
13 applicant has offered a five-year Zipcar, 11
14 parking spots for residents only.

15 Note that it has reduced its request
16 from this Board from 25 to 23 units to help
17 mitigate any situations in the area. That the
18 school building has sat there, has been there
19 since 1903 and has historic significance, and
20 that the historic requirements of HPRB regarding
21 the internal structure and external structure
22 of the building puts additional burdens on the

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1 use of the building.

2 Presently most of the area of the
3 building is covered by concrete. The site has
4 an underground storage tank which poses a
5 particular situation for the development and
6 use of this building. That on this site there's
7 existing cell towers and smokestacks that again
8 add to the problems with this building, and
9 making other changes that would be necessary
10 to fit within the zoning requirements presents
11 marketing challenges based upon the evidence
12 that's been submitted to the Board.

13 The applicant is also willing to
14 purchase Bikeshare memberships for residents
15 and to include 20 bike parking spaces on the
16 location, and 11 residential parking spaces will
17 be available through the Department of
18 Transportation.

19 Based upon the evidence deduced, I
20 would conclude that the applicant has met its
21 burden for variance relief and that there exists
22 a exceptional and extraordinary situation due

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1 to the building size and shape, the existence
2 of preservation issues, the situation with the
3 walls, maintaining the stairway. That's the
4 other issue, maintaining the stairway as
5 required by HPRB.

6 The fact that most of this lot is
7 covered by concrete, the large and inoperable
8 windows causing design and negative impact, and
9 the site has an existing cell tower and
10 smokestack, that in conjunction with the
11 underground tank that's on the premises leads
12 to exceptional situation and condition, thus
13 creating a practical difficulty arising from
14 the shape of the building, the extensive
15 preservation of the interior and the removal
16 of the tank and the issue of its marketability
17 based upon any other changes that the detriment
18 to the public good is mitigated by the kind of
19 the TDM plan, the use of the Zipcars that's been
20 offered, the purchasing of the Bikeshare
21 memberships, the bike racks and the residential
22 parking permits, and that granting relief would

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1 not cause substantial impairment to the intent
2 and purpose of the zoning regulations, I would
3 move that we grant the relief requested in
4 condition with, the amended relief requested
5 in condition with the following conditions.

6 That the applicant shall pay the
7 cost for locating one car sharing space on the
8 street adjacent to or near the project site for
9 five years.

10 That the applicant shall pay the
11 cost for installing a Capital Bikeshare station
12 at a location agreed upon by the applicant and
13 the ANC, provided that the Capital Bikeshare
14 is able to find a suitable location, and that
15 the applicant shall provide at least ten secure
16 covered bicycle parking spaces on the site.

17 That would be my motion.

18 VICE CHAIR SORG: Second.

19 CHAIRMAN JORDAN: Motion made and
20 seconded. Any unreadiness? Any other
21 discussion? All those in favor signify by
22 saying aye.

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1 || (Chorus of ayes)

2 CHAIRMAN JORDAN: Those opposed
3 nay. The motion carries. Mr. Moy?

4 MR. MOY: Yes, sir. Before I give
5 a final vote count we do have an absentee ballot
6 from Michael Turnbull who participated on the
7 application, and his absentee ballot is to
8 approve the application with such conditions
9 that the Board may impose.

10 So with that, that would give a vote
11 of four to zero on Chairman Jordan's motion to
12 approve as amended and the conditions as cited.

13 Second the motion, Vice Chairperson Sorg.
14 Also in support Mr. Jeffrey Hinkle, and of course
15 Michael Turnbull, and we do have a Board seat
16 vacant. The motion carries, Mr. Chairman.

17 CHAIRMAN JORDAN: Let me ask, do you
18 believe this is prime? Can we have a summary
19 order here since we have agreement it appears?

20 MS. GLAZER: I would believe so --

21 CHAIRMAN JORDAN: Okay, then let's
22 just --

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1 MS. GLAZER: -- if there's
2 agreement. There's no adverse party here.

3 CHAIRMAN JORDAN: Yes. Then let's
4 show a summary order in this. Okay, thank you.
5 Then that will conclude that particular case.

6 Then let's -- additional business
7 coming before the Board is that we need to look
8 toward our next docket beginning in January,
9 wow.

10 MR. MOY: Before you do that, if you
11 don't mind, Mr. Chairman, if I may just for the
12 record, there was a case in the morning which
13 the Board had made a decision on, and I'd just
14 like to have those entered into the record
15 although we've already done that.

16 But that was Application Number
17 18381 from the hearing session of application
18 of Lawal Abdulganyu, where on November 27th,
19 2012, the Board granted the applicant's request
20 to postpone to February the 5th, 2013. So I
21 just want that for the record.

22 CHAIRMAN JORDAN: Is that

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1 significant time for them to finally, because
2 we're not going to keep rolling this thing.
3 This has been on our docket, one, two, three,
4 four, five previous times.

5 MR. MOY: Yes, sir. And the
6 applicant is aware that this is his last shot.

7 CHAIRMAN JORDAN: That's why I
8 asked, is February 5th enough time?

9 MR. MOY: Actually, in my
10 discussion with him he wanted something sooner
11 but I convinced him that he should use the time
12 the Board is allowing him.

13 CHAIRMAN JORDAN: Well, okay, thank
14 you. Then our next item of business is to deal
15 with the Open Meetings Act for January.

16 So in accordance with Section 405(c)
17 of the Open Meetings Act, D.C. Code 2575(c),
18 I move that the Board of Zoning Adjustment hold
19 closed meetings on the Monday of January 7th,
20 January 14th and January 28th. This
21 will begin at 4:00 p.m. for the purpose of
22 obtaining legal advice from our counsel, and

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1 to deliberate upon but not voting on the cases
2 scheduled to be publicly heard or decided by
3 the Board on the day after each of these such
4 closed meetings. Those cases are identified
5 on the Board's public agenda for January 8th,
6 January 15th and January 29th. Is there
7 a second?

8 VICE CHAIR SORG: Second.

9 CHAIRMAN JORDAN: Motion made and
10 seconded. Will the secretary please take a roll
11 call for the vote of the motion?

12 MR. MOY: Yes, sir. When I call the
13 member's name if you would respond with yes or
14 no.

15 Vice Chairperson Sorg?

16 VICE CHAIR SORG: Yes.

17 MR. MOY: Chairman Jordan?

18 CHAIRMAN JORDAN: Yes.

19 MR. MOY: Mr. Hinkle?

20 MR. HINKLE: Yes.

21 MR. MOY: We have no other Board
22 members participating today so the motion

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1 carries, Mr. Chairman.

2 CHAIRMAN JORDAN: As it appears
3 that the motion has passed, I request that the
4 Office of Zoning provide notice of these closed
5 meetings in accordance with the Open Meeting
6 law. Is there any other business that needs
7 to come before us this afternoon?

8 MR. MOY: I believe you've covered
9 everything for the day, Mr. Chairman, at least
10 from the staff.

11 CHAIRMAN JORDAN: You believe?

12 MR. MOY: Sometimes.

13 CHAIRMAN JORDAN: With that does
14 the Board have any other business that needs
15 to come before us today? No? Then this meeting
16 will be adjourned.

17 (Whereupon, the foregoing matter
18 went off the record at 1:31 p.m.)

19

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